

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

x

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.¹

x

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO SALES TAX FINANCING
CORPORATION, *et al.*,

Debtor.

PROMESA

Title III

Case No. 17-BK-3283-LTS

(Jointly Administered)

PROMESA

Title III

Case No. 17-BK-3284-LTS

**This Motion relates only to
COFINA, and shall be filed in the
lead Case No. 17-BK-3283-LTS, and
COFINA's Title III Case (Case No.
17-BK-3284-LTS)**

**URGENT MOTION SEEKING EXTENSION, *NUNC PRO TUNC*, OF
DEADLINE TO FILE APPLICATION FOR FINAL ALLOWANCE OF COMPENSATION,**

To the Honorable United States District Court Judge Laura Taylor Swain:

Proskauer Rose LLP (“Proskauer”), attorneys for the Financial Oversight and Management

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

Board for Puerto Rico (the “Oversight Board”) as representative of the Puerto Rico Sales Tax Financing Corporation (the “Debtor” or “COFINA”), pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submit this motion (the “Motion”), for entry of an order, substantially in the form attached hereto as Exhibit A, extending the deadline, *nunc pro tunc*, for Proskauer to file its final application for allowance of compensation pursuant to the *Amended Order and Judgment Confirming the Third Amended Title III Plan of the Puerto Rico Sales Tax and Financing Corporation* (the “Confirmation Order”) [ECF No. 561]. In support of this Motion, Proskauer respectfully represents as follows:

Relief Requested

1. By this Motion, Proskauer requests an order extending, *nunc pro tunc*, the deadline to file its final fee application pursuant to the Confirmation Order until June 13, 2019.
2. On January 9, 2019, the Debtors filed the *Second Amended Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation* (as modified and amended, the “Plan”) [ECF No. 552].
3. On February 5, 2019, the Court entered the Confirmation Order, confirming the Plan.
4. The Plan became effective on February 12, 2019 (the “Effective Date”). See ECF No. 587.
5. Pursuant to decretal paragraph 27 of the Confirmation Order, professionals were required to “file [their] application for final allowance of compensation for professional services rendered and reimbursement of expenses on or prior to one hundred twenty (120) days following the Effective Date,” *i.e.* June 12, 2019. ECF No. 561, at 21.

² PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

6. While Proskauer drafted and finalized its final fee application for COFINA on or prior to June 12, 2019, due to administrative issues it was unable to file such application until today (June 13, 2019).

7. Accordingly, Proskauer requests an extension of the deadline to file final fee applications in COFINA's Title III case, *nunc pro tunc*, to June 13, 2019.

8. Proskauer has consulted with the Fee Examiner relating to this extension of time, and the Fee Examiner does not oppose this request. Likewise, Proskauer has attempted to gain the consent of COFINA, but no response has been provided as of this moment.

9. Proskauer hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

10. No prior request for the relief sought in this Motion has been made to this or any other court.

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Dated: June 13, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock (*pro hac vice*)

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*Attorneys for the Financial Oversight and
Management Board as Representative of the
Debtor*

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)

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PROMESA
Title III

Case No. 17-BK-3283-LTS

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In re:

THE FINANCIAL OVERSIGHT AND
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PUERTO RICO SALES TAX FINANCING
CORPORATION, *et al.*,

Debtor.

PROMESA
Title III

Case No. 17-BK-3284-LTS

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**ORDER EXTENDING DEADLINE, NUNC PRO TUNC,
TO FILE APPLICATION FOR FINAL ALLOWANCE OF COMPENSATION**

Upon the *Urgent Motion Seeking Extension of Deadline, Nunc Pro Tunc, to File Application for Final Allowance of Compensation* (the “Motion”)² of Proskauer Rose LLP

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

² Capitalized terms not defined in this order will have the meanings ascribed to them in the Motion.

(“Proskauer”); and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to PROMESA section 307(a); and the Court having found that the relief requested in the Motion is appropriate, it is **HEREBY ORDERED THAT**:

1. The Motion is granted as set forth herein.
2. The deadline for Proskauer to file its application for final allowance of compensation and reimbursement of expenses incurred shall be June 13, 2019.
3. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: June _____, 2019
San Juan, Puerto Rico

Honorable Laura Taylor Swain
United States District Judge